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**MCDERMOTT, WILL & EMERY****FACSIMILE****OFFICIAL****FROM:**

|                     |                           |                                      |                     |
|---------------------|---------------------------|--------------------------------------|---------------------|
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| Client/Matter/Tkpr: | <u>43890-448-3328</u>     | Date:                                | <u>May 12, 2004</u> |
|                     |                           | Time Sent:                           | <u></u>             |
|                     |                           | Number of pages including this page: | <u>12</u>           |

**TO:**

|          |   |               |                     |
|----------|---|---------------|---------------------|
| Name:    | <u>Examiner Samuel G. Rinnell</u>       | Facsimile No. | <u>703-872-9306</u> |
| Company: | <u>U.S. Patent and Trademark Office</u> | Contact No.   | <u>703-306-5626</u> |

**U.S. Patent Application No.: 09/673,628****For: DISK SYSTEM AND METHOD OF UPDATING FIRMWARE****Inventors: Masato HIGASHI et al.****Our Reference: 43890-448**

As per our telephone call today, enclosed is a courtesy copy of the Amendment filed with the U.S. Patent and Trademark Office on January 29, 2004 in response to the Office Action dated October 29, 2003. Also enclosed is a copy of the date-stamped postcard showing receipt of this response. Please update your information accordingly.

Thank you for your cooperation.

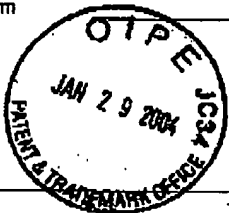
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|   |  |  |                                     |
|---|--|--|-------------------------------------|
| Applicant: <u>Masato HIGASHI</u>  |  | Docket No. <u>43890-448</u>  |                                     |
| Title: <u>DISK SYSTEM AND METHOD OF UPDATING FIRMWARE</u>   |  | Serial/Reg./Patent No. <u>09/673,628</u>   |                                     |
| Date Sent: <u>1/29/2004</u>   | <input checked="" type="checkbox"/> Hand Carried | <input type="checkbox"/> Fax   | <input type="checkbox"/> Electronic |
| <input type="checkbox"/> Transmittal Letter   |  | <input type="checkbox"/> Cert. of Mailing  |                                     |
| <input type="checkbox"/> Express Mail No.   |  |  |                                     |
| New Patent App <input type="checkbox"/> Utility <input type="checkbox"/> Design <input type="checkbox"/> Cont. <input type="checkbox"/> CIP <input type="checkbox"/> Div. <input type="checkbox"/> PCT <input type="checkbox"/> RCE <input type="checkbox"/> Prov |  |  |                                     |
| <input type="checkbox"/> Other: _____   |  | <input type="checkbox"/> Letter submitting _____ pages of drawings   |                                     |
| _____ pages of Specification  |  | <input type="checkbox"/> Req. for Approval of Drawing Amendments   |                                     |
| _____ pages of Claims   |  | <input type="checkbox"/> Req. for Oral Hearing   |                                     |
| _____ pages of Abstract   |  | <input type="checkbox"/> Not. of Appeal <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief |                                     |
| _____ pages of Formal/Informal Drawings   |  | <input type="checkbox"/> Rule 312 Amendment/Letter   |                                     |
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| _____ Form PTO 1449   |  | <input type="checkbox"/> Maintenance Fee for _____ years after grant   |                                     |
| _____ copies of cited references  |  | <input type="checkbox"/> Fee Address Indication Form   |                                     |
| <input type="checkbox"/> Preliminary Amendment  |  | <input type="checkbox"/> Terminal Disclaimer   |                                     |
| <input type="checkbox"/> Response to Missing Parts Notice   |  | <input type="checkbox"/> Petition to Commissioner  |                                     |
| <input type="checkbox"/> Resp. to Notice to Correct App. Papers   |  | <input type="checkbox"/> Status Inquiry  |                                     |
| <input type="checkbox"/> Certified Copy of Priority Doc.  |  | <input type="checkbox"/> Other _____   |                                     |
| <input type="checkbox"/> Claim for Convention Priority  |  |  |                                     |
| <input checked="" type="checkbox"/> Response/Amendment to Office Action of <u>10/29/03</u>  |  |  |                                     |
| <input type="checkbox"/> Request for _____ month Extension of Time  |  |  |                                     |

|              |  |                       |                     |                             |
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| Check for \$ | <input type="checkbox"/> Charge Deposit Acct. 500417\$ | Atty Init. <b>MEF</b> | Tkpr. # <b>3328</b> | Secy. or PL: <b>MMcZorn</b> |
|--------------|--|-----------------------|---------------------|-----------------------------|

CMS Descip.: \_\_\_\_\_

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.



Docket No.: 43890-448

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Masato HIGASHI

Serial No.: 09/673,628

Filed: December 08, 2000

Customer Number: 20277

Confirmation Number: 3423

Group Art Unit: 2175

Examiner: Samuel G. Rimell

For: DISK SYSTEM AND METHOD OF UPDATING FIRMWARE

Mail Stop Non-Fee Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.



No additional fee is required.

Applicant is entitled to small entity status under 37 CFR 1.27

Also attached:

The fee has been calculated as shown below:

|                                 | NO. OF<br>CLAIMS | HIGHEST<br>PREVIOUSLY<br>PAID FOR | EXTRA<br>CLAIMS | RATE      | FEE    |
|---------------------------------|------------------|-----------------------------------|-----------------|-----------|--------|
| Total Claims                    | 15               | 20                                | 0               | \$18.00 = | \$0.00 |
| Independent Claims              | 3                | 3                                 | 0               | \$86.00 = | \$0.00 |
| Multiple claims newly presented |                  |                                   |                 |           | \$0.00 |
| Fee for extension of time       |                  |                                   |                 |           | \$0.00 |
| Total of Above Calculations     |                  |                                   |                 |           | \$0.00 |

- ☐ Please charge my Deposit Account No. 500417 in the amount of \$0.00. An additional copy of this transmittal sheet is submitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

MCDERMOTT, WILL &amp; EMERY

for *[Signature]* #46,692  
 Michael E. Fogarty  
 Registration No. 36,139

600 13<sup>th</sup> Street, N.W.  
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